Modification of Child Support in Oregon

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The purpose of this publication is to give parents a better understanding of child support modification. It is not a substitute for legal counsel.

When parents divorce, an important concern is the financial support of their children. The income available for the support of the child influences where the child lives, the school the child attends, the likelihood the child completes high school, and the opportunity for college education.

The amount of child support contributed by each parent is determined under the Oregon Child Support Guidelines. The support amount is based on both parents’ incomes and number of children, and is divided between the parents according to their respective incomes. Once a child support order is entered, it remains in effect until it is changed.

The only way to change the support order is through a process called “modification.” An unemployed parent may feel that being out of work is a reason to modify the support order. However, unless and until the support order is modified, the original order is enforceable.

It is likely that sometime during the years a child support order is in force, modification of the order will be in the child’s best interest. Most divorced parents will at some time be involved in the modification process.

Modification is least difficult when the parents are able to work together—by themselves, or with the help of a mediator, counselor, or attorney—to agree upon changes in child support in compliance with the Oregon Child Support Guidelines. Modification is more difficult when parents are experiencing conflicts over the divorce and their parenting roles, and when parents are unable to communicate about financial issues.

Review of support orders

A support order may be reviewed to determine whether the award should be increased or decreased in two situations:

1) Significant and unanticipated change of circumstance. To justify a change in the support payment, either an increase or decrease, there must be a significant and unanticipated change in the needs or financial circumstances of the child and/or either parent since the entry of or last change in the support order. This includes changes in:

- Employment status. For example, the employment of a formerly unemployed parent, a substantial salary increase, or permanent job loss.
- Health insurance. For example, either used to provide the health insurance and now must be provided by the other parent.
- The child’s living arrangements. For example, the parents have reconciled and are now living together with the child. Or perhaps the child is living with neither parent.

One parent’s life. The birth of a child to one of the parents usually is a change affecting the amount of child support. However, remarrying and/or having a step child move in usually do not justify a change in child support.

2) Two-year review. A support order may be reviewed if it has been at least 2 years from the time the existing support order was entered, established, or most recently modified or reviewed.

Modification of support orders

The request for modification of a child support order may be prepared by a private attorney, the county district attorney’s office, the Support Enforcement Division (SED) of the Oregon Department of Justice, or by the parent. All modifications, regardless of who requests them, must be in compliance with the Oregon Child Support Guidelines.

Private attorney. A child support modification may be handled by a private attorney. The attorney represents and gives legal advice to the parent hiring the attorney. In addition to the modification, the attorney also may handle related issues such as custody and visitation.

The parent seeking the modification hires an attorney, who files a petition, serves the other party, schedules a hearing, conducts “discovery” (gathers evidence), and at the hearing presents evidence showing a substantial change of circumstances in the form of itemized costs, bills, and income. If parents working together—either by themselves or with the attorney, a counselor, or a mediator—can agree on changes, the attorney may file the modification without conducting discovery and without a hearing.

The cost of having a private attorney handle the modification depends on the amount of work required. The most expensive cases are those requiring extensive discovery, and those with issues likely to be appealed. The least expensive cases are those where the parents can work together and agree on the changes without going through discovery and a hearing.

County district attorney. A child support modification may be done by the county district attorney’s office at no cost to the parent. Modification through the district attorney’s office may take up to 6 months.


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The county district attorney is not the parent’s attorney, but rather represents the State of Oregon. The district attorney can take action only on child support—not on visitation or custody matters. The district attorney cannot give the parent legal advice.

Support Enforcement Division (SED). Any child support case where the custodial parent receives public assistance (Aid to Dependent Children or Medicaid) is automatically reviewed by the SED at least every 3 years. This review will be done 24 months after the entry of the last order, if requested by either parent. The SED may review a support order less than 24 months old if one of the parents requests it and if there has been a significant and unanticipated change of circumstances.

The SED does not represent the parent, but rather represents the State of Oregon. Modifications through the SED are free. The SED can take action only on child support—not on visitation or custody matters. The SED cannot give legal advice.

The parent. A parent also may do a modification (this is called pro se). To order forms for a modification, see Additional information.

Review your situation

Regardless of who files the modification, you will be asked to provide information and documentation of income and expenses. You will need copies of any and all relevant child/spousal support orders, your most recent federal and state income tax returns, payroll stubs or wage statements, and if applicable, documentation of the cost of health insurance and/or child care.

Review the current support order and gather as much information as possible showing changes occurring since the date of the order. If you do not have a copy of the child support order, you may get one from the circuit court in the county where the support order was filed.

Gather as much information as possible about your own and the other parent’s financial situation. The modification is based on the situations of both parents and the child. If you are the parent with whom the child lives most of the time, you may be aware of an increase in the child’s expenses and changes in your situation. There also may be changes in the other parent’s life. Until information is gathered from both parents, it is not possible to predict whether the modification will result in an increase or a decrease in the amount of child support.

Additional information

To order Oregon Child Support Guidelines and Worksheets, and forms to modify child support orders, contact the local Support Enforcement Office listed in the State Government section of your phone book or “Department of Justice”). Or contact the Oregon Support Enforcement Division, Department of Justice, 1495 Edgewater NW, Suite 260, Salem, OR 97304. Phone: (503) 378-4879 (choose the option for “general services”).

For further reading


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If you receive a motion for the modification of your child’s support order and you disagree with the amounts shown, do not ignore the motion. Mail your written objection to the clerk of the court where the motion was filed within 30 days, and request a hearing. Send a copy of the hearing request to the person or attorney making the motion to modify. If there are no objections and no request for a hearing within 30 days, the modification may be entered as a final order.